

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|--|---|
| In re Application of David Botstein et al. Serial No.: Not Yet Assigned Filed: Herewith For: SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME | Group Art Unit: Not Yet Assigned Examiner: Not Yet Assigned Express Mail Label No.: EL 889 330 991US December 27, 2001 |
|--|---|

PRELIMINARY AMENDMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Prior to substantive examination of the above captioned patent application (which is filed herewith), and for calculation of the proper filing fee, Applicants respectfully request that the following amendments be entered.

In the Specification:

Please insert the following new paragraph at page 1, line 2:

--RELATED APPLICATIONS

This is a continuation application claiming priority under 35 USC §120 to US serial number 09/866,034 filed 5/25/01 which claims priority under 35 USC §120 to PCT international application numbers: PCT/US99/12252, filed June 2, 1999; PCT/US99/28634, filed December 1, 1999; PCT/US99/28551, filed December 2, 1999; PCT/US00/03565, February 11, 2000; PCT/US00/04414, filed February 22, 2000; PCT/US00/05841, filed March 2, 2000; PCT/US00/08439, filed March 30, 2000; PCT/US00/14941, filed May 30, 2000; PCT/US00/15264, filed June 2, 2000; PCT/US00/32678, filed December 1, 2000; and which claims priority under 35 USC § 119 to US provisional application numbers: 60/095,325, filed August 4, 1998; 60/112,851, filed December 16, 1998; 60/113,145, filed December 16, 1998; 60/113,511, filed December 22, 1998; 60/115,558, filed January 12, 1999; 60/115,565, filed January 12, 1999; 60/115,733, filed January 12, 1999; 60/119,341, filed February 9, 1999; 60/119,537, filed February 10, 1999; 60/119,965, filed

February 12, 1999;60/162,506, filed October 29, 1999;60/170,262, filed December 9, 1999;60/187,202, filed March 3, 2000, the entire disclosures of which are hereby incorporated by reference.--

In the Claims:

Please cancel Claims 1-21 without prejudice or disclaimer.

Please add new Claims 22-27 as follows.

- 22. (New) An antibody that binds to the polypeptide shown in Figure 6 (SEQ ID NO:9).
- 23. (New) The antibody of Claim 22 which is a monoclonal antibody.
- 24. (New) The antibody of Claim 22 which is a humanized antibody.
- 25. (New) The antibody of Claim 22 which is an antibody fragment.
- 26. (New) The antibody of Claim 22 which is labeled.
- 27. (New) The antibody of Claim 22 which specifically binds to the polypeptide shown in Figure 6 (SEQ ID NO:9).--

REMARKS

Claims 1-21 have been cancelled. New Claims 22-27 have been added. Applicants respectfully request early entry of these new claims for prosecution in this application. The Examiner is invited to contact the undersigned at (650)225-4563 if any issues may be resolved in that manner.

Attached hereto is a marked-up version of the changes made to the and by the current amendment. The attached page is captioned "Version with markings to show changes made."

Respectfully submitted,
GENENTECH, INC.

Date: December 27, 2001

By: *Elizabeth M. Barnes*
Elizabeth M. Barnes
Reg. No. 35,059
Telephone: (650) 225-4563



09157

PATENT TRADEMARK OFFICE

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the specification:

A new paragraph beginning at page 1, line 2 has been added.

In the claims:

Claims 1-21 have been cancelled.

Claims 22-27 have been added.